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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,910	12/30/2003	Kulwinder Dhanoa	15114H-071400US	1395

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EXAMINER	
LEE, CHUN KUAN	

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
12/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/749,910	DHANOA, KULWINDER	
	Examiner	Art Unit	
	Chun-Kuan Lee	2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Please see Continuation Sheet below.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2181

In response to applicant's arguments with regard to the independent claims 1, 7, 13 and 18 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature "... sized to store a data burst for a memory access request ..." because the combination of Gray and Iizuka is based on impermissible hindsight; applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Please note that the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine Iizuka with Gray (and Abramson) is for the benefit of implementing a simplified structure and providing an optimal priority order for data transferring (Iizuka, col. 2, ll. 61-67).

In response to applicant's arguments with regard to the independent claims 1, 7, 13 and 18 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest every claimed features because Iizuka does not show a wrapping memory access request, as Iizuka's sample do not need to be wrapped using multiple buffers; furthermore, the office action appears to recognize that Iizuka does not show this feature, and relied on combination with one or more other references to show this feature, however this is not further elaborated upon, and no motivation for any such combination is given; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because as previously explained, Iisuka's buffers are not utilized along, as the buffers, having wrapping functionality, are utilized cooperatively for the proper transferring of data (Fig. 8; Fig. 14(a) to 14(e); col. 11, ll. 5-26; col. 14, ll. 49-57 and col. 26, ll. 4-39), and by combining the buffers having wrapping functionality with Gray and Abramson's single request configuration, the resulting combination further teaches the claimed feature of wrapping memory access request, as the single request configuration transfers data via the buffers' wrapping functionality (i.e. having equivalent functionality as the claimed feature). And the motivation to combine Iizuka with Gray and Abramson is for the benefit of implementing a simplified structure and providing an optimal priority order for data transferring (Iizuka, col. 2, ll. 61-67).

In response to applicant's arguments with regard to the independent claims 1, 7, 13 and 18 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest every claimed features because Nguyen does not show the pointers enabling control logic to return to the indicated first-buffer to retrieve the end data from the single respective buffer as the combination of Nguyen and Iizuka do not teach the claim feature; wherein as discussed in detail above, Iizuka do not show memory wrapping; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because as discussed in detail above by the examiner, Iizuka does show memory wrapping, and the combination of Iizuka with Gray and Abramson have equivalent functionality as the wrapping memory access request; therefore, the resulting combination of the references does teach the equivalent function of the claimed feature.